THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR. JUSTICE K .C. BHANU

WRIT PETITION NO : 172 OF 2006

Dated 06-01-2006

Between :

Challa Kotamma wife of Challa Kotaiah, resident of Adigoppala, Durgi Mandal, Guntur District.

PETITIONER.

AND :

1. The Inspector, Special Police for Naxalite Operation, Guntur, Guntur District and others.

RESPONDENTS

ORDER : (Per the Honourable Smt. Justice T.Meena Kumari)

This is a taken up writ petition on the “Fax Message” dated 29-12-2005 sent by the petitioner seeking a direction to the respondents to produce her husband viz., Challa Kotaiah and three others viz., Durgampudi Bhulakshmi @ Nagamani, Shaik Saida, son of Nanne and Siddi Narasimha Rao before this Court, who were taken into custody by the Special Police for Naxalite Operation at Kavuru village on the intervening night of 25/26-12-2005 at 01.00 A.M., apprehending danger to their lives and to set them at liberty forthwith.

1st respondent filed the counter denying the allegations in the Fax Message. It is further stated in the counter that the alleged detenu No.1, Chella Kotaiah was arrested by the Sub-Inspector of Police Tripuranthakam on the intervening night of 3/4-1-2006, and a case in Cr.No.1 of 2006 under Section 307 of I.P.C., Section 5 of Explosives Substance Act and Section 8 (1) of A.P. Public Security Act of Tripuranthakam P.S. was registered and he was sent to the judicial custody by the J.F.C.M, Markapur.

It is further stated in the Counter that the alleged detenu No.2 Durgampudi Bhulakshmi was arrested by the Sub-Inspector of Police, Durgi Police Station and a case in Cr.No.74 of 2005 was registered and she was sent to the judicial custody by the learned J.F.C. M, Macherla. The alleged detenu No.3 Shaik Saida was arrested by the Inspector of Police Macherla Circle and a case in Cr.No.86 of 2002 under sections 147, 148, 448, 427 read with 149, Sections 25 and 27 of Indian Arms Act and Section 8 (1) of A.P. Public Security Act of Durgi Police Station was registered and he was sent to judicial custody by the learned J.F.C.M, Macherla.

It is further stated in the counter that the alleged detenu No.4 Siddi Narasimha Rao, he was taken into custody by the Inspector of Police, Piduguralla after the explosives in their possession were seized under a cover of police proceedings. Basing on the police proceedings, a case in Cr.No.63 of 2005 under section 307 r/w

34 of I.P.C. Sections 3,4 and 5 of Explosive Substances Act was registered at Bellamkonda police station he was sent to the judicial custody by the learned Additional Munsif Magistrate, Sattenapally.

It is submitted across the Bar by the learned Advocate General that the alleged detenues were arrested in connection with the crimes registered against them as stated above and they were remanded to judicial custody and therefore, the question illegal detention does not arise.

In view of the submission made by the learned Advocate General and in view of the averments made in the counter, We are of the view that no further orders are necessary in this writ petition.

In the result, this writ petition is dismissed. No costs.

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Justice T.MEENA KUMARI

Date : 06-01-2006.

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Justice K.C.BHANU

Gurc/Dvs

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WRIT PETITION NO : 172 OF 2006

(Order delivered by the Honourable Smt. Justice T. Meena Kumari)

Dated 06-01-2006